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COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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IN REPLY PLEASE
REFER TO FILE:

LD-2

August 20, 2002

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**ACCEPTANCE OF TRACT NO. 31234
VICINITY OF CORNELL
SUPERVISORIAL DISTRICT 3
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Make findings as follows:
 - a. That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan required by Article 5 (commencing with section 65300) of Chapter 3 of Division 1 of the Government Code, or any specific plan adopted pursuant to Article 8 (commencing with section 65450) of Chapter 3 of Division 1 of the Government Code.
 - b. That this project will not violate any of the provisions of Sections 66474, 66474.1, and 66474.6 of the Subdivision Map Act (SMA).
 - c. That the development of the property in the manner set forth on the proposed division of land will not unreasonably interfere with the free and complete exercise of any public entity and/or public utility rights of way and/or easements within the proposed division of land, pursuant to Section 66436(a)3A(i-viii) of the SMA.

2. Approve the final map for Tract No. 31234 subject to the subdivider executing an addendum to the Multiple Agreement for the subject map, following its approval as to form by County Counsel. The Addendum will ensure that the subdivider pay the costs associated with the acquisition of the off-site property necessary to complete the improvements required by the conditions pertaining to Tract No. 31234 and complete the enumerated off-site improvements at such time as the County has acquired the necessary interest in the off-site property.
3. Delegate authority to the Director of Public Works to execute the Addendum to the Multiple Agreement for the subject map on behalf of the County, and instruct the Director to notify the Executive Officer-Clerk of the Board upon full execution of the Addendum.
4. Accept dedications as indicated on said final map upon its approval.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTIONS

Prior to recordation, approval of the subject final map by your Board is required per the SMA and Title 21 of the Los Angeles County Code.

The SMA requires approval of a final map if it is found to be in substantial compliance with a previously approved tentative map. Our review indicates that this final map is in substantial compliance with the previously approved tentative map with the exception that the subdivider has been unable to comply with the condition for off-site improvements and easements.

Tentative Tract No. 31234 was conditioned, in part, to dedicate right of way, improve Mulholland Highway to County road standards, and provide grading to assure adequate sight distance along Mulholland Highway. The subdivider was unable to acquire the off-site property rights to meet this condition. Section 66462.5 of the SMA provides that the County shall not refuse approval of a final map because the subdivider failed to meet a tentative map condition that requires the subdivider to construct or install off-site improvements on land in which neither the subdivider nor the County has sufficient title or interest at the time the final map is filed, to permit the improvements to be made. Furthermore, the County is required to acquire by negotiation or commence proceedings to acquire the off-site property by eminent domain within 120 days of the filing of the final map or the condition shall be deemed waived.

Section 66462.5 authorizes the County to require that the subdivider pay for the costs of the acquisition of the necessary off-site property interests needed for completion of required off-site improvements. Accordingly, an addendum to the existing Multiple Agreement for the subject tract will be prepared to ensure that the subdivider is responsible for all acquisition costs the County incurs and to ensure that the subdivider completes the off-site improvements once the County has secured the required property interests. It is requested that authority be delegated to the Director of Public Works to execute the Addendum upon its final approval as to form by County Counsel and its execution by the subdivider.

Implementation of Strategic Plan Goals

Not applicable.

FISCAL IMPACT/FINANCING

No negative fiscal impact. No increase in net County cost. Section 66462.5 of the SMA allows the County to require the subdivider to pay the cost of acquiring the necessary off-site property rights.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The subdivider filed litigation against the County over its right to have its final tract map approved.

The Superior Court of the State of California, in Case No. BS075673, issued a Peremptory Writ of Mandate commanding the County within 20 days to file and cause to be considered by the Los Angeles County Board of Supervisors the final map for Tract No. 31234 along with a recommendation for approval and acceptance.

The subject final map has been reviewed by Public Works for mathematical accuracy, survey analysis, title information, and for compliance with local ordinances and the SMA. Our review indicates that upon the subdivider's execution of the Addendum to the Multiple Agreement, all State and local provisions and legal requirements for the recordation of the final map, including the requirements of the Peremptory Writ of Mandate, will have been met.

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All agreements and improvement securities, which are required as a condition of the subdivision, will be accepted on behalf of the County by the appropriate official prior to recordation of the final map with the Registrar-Recorder/County Clerk's Office.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Section 66462.5 of the SMA states that if the County fails to meet the 120-day time limitation to acquire by negotiations or commence eminent domain proceedings, the condition for construction of off-site improvements is waived. The waiver of the off-site improvement condition for Tract No. 31234 would result in substandard sight distance for traffic accessing Mulholland Highway from Hazel Nut Court, the street that provides access to the Tract.

CONCLUSION

Please return one copy of the adopted letter to Public Works.

Respectfully submitted,

JAMES A. NOYES
Director of Public Works

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cc: Chief Administrative Office
County Counsel